

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

JILL TOMPKINS and ELLA METCALF, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

-vs-

FERNY PROPERTIES, LLC. d/b/a THE
NORTHERN GENTLEMEN'S CLUB, and
DOE DEFENDANTS 1-10,

Defendants.

Civil No. 3:18-cv-00190

**ORDER GRANTING MOTION FOR
PRELIMINARILY APPROVAL OF
CLASS ACTION SETTLEMENT**

Before the Court is Plaintiffs' Unopposed Motion for Preliminary Approval of Class and Collective Action Settlement, Certification of Settlement, Approval of the Proposed Class Notice, Appointment of Class Counsel, and Notice of a Final Approval Hearing, filed on March 12, 2021. Doc. No. 124.

Based upon the Court's review of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Class and Collective Action Settlement, Certification of Settlement, Approval of the Proposed Class Notice, Appointment of Class Counsel, and Notice of a Final Approval Hearing, and all other papers submitted in connection with the Preliminary Approval Motion, the Court **GRANTS** Plaintiffs' Unopposed Motion for Preliminary Approval (Doc. No. 124).

The Court hereby (1) **GRANTS** preliminary approval of the settlement memorialized in the Settlement Agreement and Release (the "Settlement Agreement") (Doc. No. 124-1); (2) certifies, for settlement purposes only and pursuant to the Settlement Agreement, the Settlement Class under to § 216(b) of the Fair Labor Standards Act ("FLSA") for putative opt-in plaintiffs for the FLSA claims and Federal Rule of Civil Procedure Rule 23(b)(3) for putative opt-out plaintiffs

for the North Dakota state law claims; (3) approves the form and content of, and directs the distribution of the proposed Class Notice, attached to the Settlement Agreement as Exhibit B; (4) appoints Class Counsel and Settlement Class Representatives as requested and detailed in Plaintiffs' Unopposed Motion for Preliminary Approval; (5) sets a Bar date of 60 days after dissemination of Class Notice; and, (6) shall set a date for a Final Approval hearing at least 120 days after entry of this Preliminary Approval Order. The Court shall be in contact with the parties to schedule the Final Approval hearing.

IT IS SO ORDERED.

Dated this 5th day of April, 2021.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court